

PUGET SOUND LEGISLATIVE UPDATE

March 29, 2013 | Day 75 of the 105-day legislative session

This Legislative Update highlights the issues impacting our region's work to protect and restore the health of Puget Sound. The update is distributed throughout the 2013 session. Previous editions are available online at www.psp.wa.gov.

WEEKLY REVIEW

Gov. Inslee unveils budget proposal, emphasizing education

On Thursday, Gov. Jay Inslee unveiled his budget plan to bridge the state's \$1.2 billion shortfall and invest in public schools to comply with the recent "McCleary" mandate from the Supreme Court. The primary focus of the Governor's plan is to ensure every child receives an excellent education.

Governor supports Puget Sound priorities

Gov. Inslee's budget emphasizes several regionally significant investments and directs state agencies to continue to work together through the Partnership to ensure public funds for Puget Sound are prioritized, regionally coordinated, and produce clean water and better habitat for salmon and shellfish — strengthening our environment and economy.

Gov. Inslee's budget includes many of the Puget Sound priorities evaluated and ranked by the Partnership to ensure alignment with the regional goals of the Action Agenda — the federally approved plan to restore the health of Puget Sound. The top 10 Puget Sound priorities include:

- 1. Stormwater permit compliance:** \$8.74 million to manage urban runoff and reduce environmental impacts from stormwater discharged from State highways and facilities. A portion of the funding will be invested in the Puget Sound region and will continue the implementation of the Department of Transportation's stormwater management responsibilities to meet requirements of the National Pollutant Discharge Elimination System (NPDES) municipal permit. *(Department of Transportation — Transportation Budget) (Action Agenda C.2.1)*
- 2. Puget Sound Acquisition & Restoration Fund (PSAR):** \$80 million to fund the most important, science-based, locally prioritized projects to restore Puget Sound habitat. All of the funding goes to Puget Sound to remove barriers to fish migration, replant stream banks, remove dikes and levees, as well as create or purchase pristine habitat. Project sponsors are required to contribute to the cost of the program — leveraging local and state investments. *(Recreation & Conservation Office — Capital Budget) (Action Agenda A.2.1, A.5.4 & E.1.3.2)*

2013 SESSION AT A GLANCE

Length: 105 days. If necessary, the Governor can call for a 30-day special session. Legislators can call themselves into special session with a two-thirds vote.

Next Cutoff: April 3, Last day to read in committee reports from opposite house except House fiscal committees and Senate Ways & Means and Transportation committees.

Information:

- For up-to-date legislative information, visit: www.leg.wa.gov
- To watch or listen to a legislative hearing, visit: www.tvw.org
- For both current and previous copies of the Legislative Update, visit: www.psp.wa.gov

Communication and Coordination:

If you are planning to testify on a bill, meet with legislators, or would like assistance with state legislative issues regarding Puget Sound priorities—please contact:

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3. **Salmon Recovery Funding Board:** \$75 million in grants for projects that protect or restore salmon habitat and for other salmon recovery programs and activities. The projects located in Puget Sound directly support the habitat recovery goals recently adopted by the Partnership. (*Recreation & Conservation Office — Capital Budget*) (Action Agenda A.2.1, A.5.3, A.5.4, A.6.1 & A.6.5)
4. **Puget Sound Estuary & Salmon Restoration Program (ESRP):** \$10 million to provide the technical assistance necessary to restore and protect Puget Sound beaches, bays and river deltas. The ESRP program helps produce healthy habitat for salmon by ensuring shorelines are intact, functioning naturally, and resilient to climate change. (*Recreation & Conservation Office — Capital Budget*) (Action Agenda A.2.1 & A.5.4)
5. **Levee vegetation and floodplain restoration:** \$635,000 to fund two watershed pilot demonstration projects to bring together local, state, federal, and regional parties together to resolve multiple issues related to levees and floodplain management. The urban and rural pilot projects in King and Whatcom counties will lead to the implementation of capital improvement projects that will effectively reduce flood risks to people and property, and create a framework for other communities to replicate throughout our region. (*Puget Sound Partnership — Operating Budget*) (Action Agenda A.5.3.4)
6. **Not funded — Natural resources conservation program:** \$3 million
7. **Invasive Species Council funding:** \$86,000 to fund the Washington Invasive Species Council to coordinate response, prevention, and education actions by federal, state, tribal, local, and non-governmental partners on invasive species. (*Recreation & Conservation Office — Operating Budget*) (Action Agenda B.5.3 & B.5.3.2)
8. **Statewide low-impact development (LID) program:** \$1.981 million to address polluted stormwater by implementing the comprehensive training plan to implement LID techniques and assist with compliance for the updated municipal stormwater permits. (State Toxics Control Account-State) (Action Agenda (Action Agenda C.2.5.1)
9. **Local government planning support:** \$5.877 million to provide financial assistance for local governments to update their comprehensive plans under the Growth Management Act. (General Fund-State) (*Department of Commerce — Operating Budget*) (Action Agenda A.1.2.2)
10. **Water discharge fee:** \$1.169 million to hire additional inspectors, engineers, and other permit-support staff to focus new resources on source-control inspections and monitoring in Seattle's Duwamish waterway, as well as conduct stormwater inspections in currently underserved permit categories. (Water Quality Permit Account-State) (*Department of Ecology — Operating Budget*) (Action Agenda C.1.6.1 & C.2.4.1)

Other Puget Sound priorities included in Gov. Inslee's budget:

Centennial Clean Water Program: \$50 million to provide grants for local governments to construct wastewater treatment facilities, eliminate failing on-site sewage systems and stormwater control. *(Department of Ecology — Capital Budget) (Action Agenda C.3.1, C.5.3 & C.6.3)*

Conservation Reserve Enhancement Program (CREP): \$4.821 million to provide grants for landowners to complete projects that restore and preserve salmon habitat and purchases conservation easements, as well as construct and preserve habitat buffers. *(State Conservation Commission — Capital Budget) (Action Agenda A.3.1, A.3.1.1 & C.3.2.1)*

Implementing Better Brakes Law: \$188,000 to implement the “Better Brakes” law, which bans certain automotive brake friction materials in brake pads that are released and carried by stormwater into Puget Sound where they are toxic to salmon and many other aquatic organisms. *(Department of Ecology — Operating Budget) (Action Agenda C.1.1)*

Aquatic Lands Environmental Management: \$4.42 million to fund adaptive management for Puget Sound recovery, restoration of state-owned aquatic lands, removal of creosote pilings, and investigations of outfalls on aquatic lands. *(Department of Natural Resources — Operating Budget) (Action Agenda A.1.3, B.2.2.3, B.2.2.4 & B.3.1.2)*

Washington Wildlife & Recreation Program (WWRP): \$46.815 million to provide grants to acquire and improve habitat and recreation lands throughout Washington state before they are lost to other uses, as well as develop recreation areas for a growing population. A portion of the habitat funds will be invested in Puget Sound. *(Recreation & Conservation Office — Capital Budget) (Action Agenda A.2.1, A.2.3, A.3.2, A.5.4, A.6.5 & B.4.2)*

Aquatic Lands Enhancement Account (ALEA): \$5.3 million to provide grants for acquisition and habitat enhancement projects within or adjacent to state-owned aquatic lands throughout Washington state. A portion of these funds will be invested in Puget Sound-area projects to re-establishing the natural, self-sustaining ecological functions of the waterfront. *(Recreation & Conservation Office — Capital Budget) (Action Agenda A.2.1, A.2.1.3, A.5.4, B.2.1, B.2.2 & B.4.2)*

Family Forest Fish Passage Program (FFFPP): \$2 million for small-forest landowners to repair or remove fish passage barriers. *(Department of Natural Resources—Capital Budget) (Action Agenda A.5.4, B.5.2, C.4.2.2. & C.4.2.3)*

Natural Resources Investments for the Economy and Environment: \$5 million for grants to invest in agricultural activities that improve water quality in shellfish growing areas. *(State Conservation Commission) (Action Agenda A.3.1.1 & C.3.2.1)*

Ocean acidification: \$3.31 million to implement the recommendations from Gov. Gregoire's Blue Ribbon Panel on Ocean Acidification. *(Department of Ecology, University of Washington, Department of Natural Resources — Operating Budget) (Action Agenda C.7.5.4)*

Steelhead recovery planning: \$788,000 to identify the major threats reducing juvenile steelhead marine survival rates. (*Puget Sound Partnership — Operating Budget*) (Action Agenda A.3.1.1, A.3.2, C.3.1)

Voluntary stewardship: \$1.546 million to fund pilot programs in Thurston and Chelan counties to resolve agricultural impacts to important salmon habitat, while also supporting working agriculture lands. (*State Conservation Commission — Operating Budget*) (Action Agenda C.3.1.3)

Summaries of the Governor's budget proposals are available at:
<http://www.ofm.wa.gov/budget13inslee/default.asp>

Next steps in the state budget process

Adopting the 2013 state budget is like traveling down a long and bumpy road with many twists and turns. Proposals will range from eliminating tax breaks to making drastic cuts to state funded programs.

The Senate will likely release its Operating Budget this week without including any new revenue. The Senate Capital Budget is expected to be released a few days after and is anticipated to be much smaller than the Governor's proposal. Next, the House of Representatives will introduce their proposal and then both chambers will conference with the Governor to negotiate a final budget.

As the process moves forward, it is important to continue to emphasize the top priorities for Puget Sound and the Partnership's valuable role as the region's integrating and oversight agency. **We protect taxpayer dollars** by making sure public funds invested for Puget Sound by government agencies are prioritized, regionally coordinated, and **achieve the results Puget Sound needs and taxpayers expect.**

LEGISLATION PERTINENT TO PUGET SOUND

SHELLFISH

Climate change: On Monday, the state Legislature passed [Senate Bill 5802](#) to create the Climate Legislative and Executive Work Group and commission a report to evaluate approaches to reduce greenhouse gas emissions. The legislation was requested by Gov. Inslee and sponsored by Sen. Ranker. The bill was adopted with bipartisan support, a vote of 61-32, and will be signed into law by Gov. Inslee at the new Bullitt Center in Seattle on Tuesday, April 2, at 1 p.m.

Coastal Marine Advisory Council: Sen. Hatfield's legislation, [Senate Bill 5603](#), to establish the Washington coastal marine advisory council and the Washington marine resources advisory council, passed the House Environment Committee on Wednesday, April 3, by a 10-2 vote. The proposed coastal council would serve as a forum on coastal issues such as fisheries, shellfish aquaculture and ocean energy. The proposed marine council would advance the recommendations from the ocean acidification report, as originally proposed in Sen. Ranker's bill which did not survive. The Partnership supports the Blue Ribbon Panel's recommendations, as well as the \$3.3 million included in Gov. Inslee's proposed budget for implementation. Watch the public hearing online at: http://www.tvw.org/index.php?option=com_tvliveplayer&eventID=2013031120

HABITAT

Land acquisitions: Sen. Honeyford's legislation to establish a process for the acquisition of habitat and recreation lands, [Senate Bill 5054](#), received a public hearing in the House Committee on Agriculture & Natural Resources on Tuesday, March 26, and is scheduled for executive session Tuesday, April 2, at 10 a.m. The bill would require certain state agencies to request and receive approval from the Legislature prior to acquiring certain types of real property. Concerns continue to be expressed that this bill would hinder existing land acquisition processes and restrict the flexibility needed to take advantage of market opportunities. Watch the public hearing online at: http://www.tvw.org/index.php?option=com_tvwliveplayer&eventID=2013031125

Landowner liability: Rep. Stanford's legislation, [House Bill 1194](#), to limit landowner liability for habitat projects, received a public hearing in the Senate Committee on Law & Justice with broad support from the Recreation & Conservation Office, Department of Natural Resources, Washington Department of Fish & Wildlife, Washington Association of Conservation Districts, The Nature Conservancy, Washington Farm Bureau and many others. The Partnership supports this legislation and congratulates everyone working together to keep this bill moving forward. Watch this public hearing online at: http://www.tvw.org/index.php?option=com_tvwliveplayer&eventID=2013031146

Conservation easements: Rep. Sawyer's legislation allowing tribes to hold conservation easements, [House Bill 1277](#), received a public hearing in the Senate Natural Resources & Parks Committee on Thursday, March 28. The Partnership supports this legislation. Protection of habitat is a top priority in the Puget Sound Action Agenda and a major focus for our tribal partners. Watch the public hearing on TVW at: http://www.tvw.org/index.php?option=com_tvwliveplayer&eventID=2013031163

Aquatic invasive species: Sen. Honeyford's legislation, [Substitute Senate Bill 5702](#), regarding aquatic invasive species, advanced out of the House Agriculture & Natural Resources Committee on Thursday, March 28. The Partnership, Invasive Species Council, Ports Association and Northwest Marine Trade Association all support this legislation, which specifies that transporting a recreational or commercial watercraft into the state without meeting valid documentation requirements is an aquatic invasive species infraction. It also repeals the Aquatic Nuisance Species Committee.

Water rights: Sen. Ericksen's legislation, [Senate Bill 5199](#), concerning de facto changes in water rights for irrigation purposes advanced out of committee with amendments. The latest version of this legislation would require Ecology to initiate a process to allow water rights holders to change the status of water rights currently put to a different place of use only if certain conditions are met. The Washington Farm Bureau and Whatcom Farm Friends support the proposal, while the Washington Environmental Council and Lummi Nation have voiced strong opposition.

TOXICS

Derelict vessels: Rep. Hansen’s derelict vessel legislation, [Substitute House Bill 1245](#), advanced out of the Senate Natural Resources & Parks Committee on Thursday, March 21. There was no action this week on Sen. Pearson’s legislation, [Substitute Senate Bill 5663](#), which is not a companion bill but is nearly identical to the House proposal. The Partnership supports both bills and continues advocating for the Derelict Vessel Removal Program to have the funding necessary to expedite the removal of the more than 230 older, larger, more expensive ships. There is a broad coalition of partners working together on this outcome and funding in the Senate is anticipated to the tune of \$4 million to \$6 million in the Capital Budget.

Model Toxics Control Account (MTCA): The use of MTCA will continue to be a hot topic as the budget process unfolds. The two MTCA reform bills, [Senate Bill 5296](#) sponsored by Sen. Ericksen, and [Senate Bill 5201](#) sponsored by Sen. Ranker, continue to be in a holding pattern in the Senate Ways & Means Committee—waiting to be part of the broader budgeting proposals. The recent revenue forecast projected an increase in the MTCA account, which Gov. Inslee’s budget uses along with other fund shifts and transfers, to help the State General Fund without having significant impacts on environmental investments. Commitments to fund cleanup grants through the Remedial Action Grant program and other cleanup programs targeting Puget Sound remain strong in the Governor’s proposal.

The Partnership continues to strongly support a comprehensive, interim review, of MTCA. Our perspective is consistent with our emphasis on the need to evaluate ongoing funding for Puget Sound programs, so that we can ensure the highest priorities and most cost-effective strategies are funded to protect and cleanup Puget Sound.

ECONOMIC DEVELOPMENT

Urban economic revitalization: Rep. Appleton’s legislation providing for community economic revitalization in incorporated areas, [House Bill 1648](#), received a public hearing in the Senate Trade & Economic Development Committee on March 19. There was no action this week. The Partnership supports this bill because it is consistent with Puget Sound’s habitat priorities. The bill would incentivize municipalities to revitalize vacant and abandoned properties in incorporated areas, promoting jobs, strengthening local economies, and managing growth in areas that are already developed.

UPCOMING HEARINGS RELATED TO PUGET SOUND

Monday, April 1

No Puget Sound-related hearings scheduled.

Tuesday, April 2

10 a.m. House Agriculture & Natural Resources; Executive Session:

- [SSB 5054](#) - Establishing a process for the acquisition of habitat and recreation lands by the state.
- [ESB 5596](#) – Relating to certain lake management activities on lands owned by the State of Washington.
- [SSB 5766](#) – Relating to improving relationships between agricultural producers and state regulatory staff.

Wednesday, April 3

1:30 p.m. House Environment; Executive Session:

- [ESSB 5290](#) – Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW.

Work Session: Interim Planning Meeting.

Thursday, April 4

1:30 p.m. House Appropriations Subcommittee on General Government; Public Hearing:

[ESB 5603](#) – Relating to establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.

3:30 p.m. House Transportation; Public Hearing:

[HB 1864](#) – Transportation funding and appropriations.

Friday, April 5

No Puget Sound-related hearings scheduled.